

EXP,STAY-CASE

**U.S. District Court
DISTRICT OF ARIZONA (Prescott Division)
CIVIL DOCKET FOR CASE #: 3:17-cv-08066-SPL**

Dine Bi' Olta School Board Association v. United States
Department of Interior et al
Assigned to: Judge Steven P Logan
Cause: 05:552 Freedom of Information Act

Date Filed: 04/06/2017
Jury Demand: None
Nature of Suit: 895 Other Statutes:
Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Dine Bi' Olta School Board Association

represented by **Paul Edward Frye**
Frye & Kelly PC
10400 Academy Rd. NE, Ste. 310
Albuquerque, NM 87111
505-296-9400
Fax: 505-296-9401
Email: pef@fryelaw.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Gregory Kelly
Frye & Kelly PC
10400 Academy NE, Ste. 310
Albuquerque, NM 87111
505-296-9400
Fax: 505-296-9401
Email: wgk@fryelaw.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

United States Department of Interior

represented by **Ann Elizabeth Harwood – Inactive**
US Attorneys Office – Phoenix, AZ
2 Renaissance Square
40 N Central Ave., Ste. 1800
Phoenix, AZ 85004-4408
602-514-7500
Fax: 602-514-7760
Email: USAAZ.DepartedAUSAs@usdoj.gov
TERMINATED: 12/21/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul Arthur Bullis
US Attorneys Office – Phoenix, AZ
2 Renaissance Square
40 N Central Ave., Ste. 1800
Phoenix, AZ 85004-4408
602-514-7659
Fax: 602-514-7450
Email: Paul.Bullis@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Bureau of Indian Education
an agency of the United States

represented by **Ann Elizabeth Harwood – Inactive**
(See above for address)

Department of the Interior

TERMINATED: 12/21/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul Arthur Bullis
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Tony L Dearman
Director, Bureau of Indian Education

represented by **Ann Elizabeth Harwood – Inactive**
(See above for address)
TERMINATED: 12/21/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul Arthur Bullis
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Emily K Arviso
Acting Associate Director of the Navajo
Region, Bureau of Indian Education

represented by **Ann Elizabeth Harwood – Inactive**
(See above for address)
TERMINATED: 12/21/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul Arthur Bullis
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/06/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14099748 filed by Dine Bi' Olta School Board Association (submitted by William Kelly). (Attachments: # <u>1</u> Civil Cover Sheet)(SLQ) (Entered: 04/06/2017)
04/06/2017	<u>2</u>	Filing fee paid, receipt number 0970-14099748. This case has been assigned to the Honorable Diane J Humetewa. All future pleadings or documents should bear the correct case number: CV-17-08066-PCT-DJH. Notice of Availability of Magistrate Judge to Exercise Jurisdiction form attached. (SLQ) (Entered: 04/06/2017)
04/07/2017	<u>3</u>	ORDER that motions pursuant to Fed. R. Civ. P. 12(b) are discouraged if the defect can be cured by filing an amended pleading. The parties must meet and confer prior to the filing of such motions to determine whether it can be avoided. ORDERED that Plaintiff serve a copy of this Order upon Defendants and file a notice of service. See Order for details. Signed by Judge Diane J Humetewa on 4/7/2017. (LFIG) (Entered: 04/07/2017)
04/07/2017	<u>4</u>	SUMMONS Submitted by Dine Bi' Olta School Board Association. (Kelly, William) (Entered: 04/07/2017)
04/07/2017	<u>5</u>	SUMMONS Submitted by Dine Bi' Olta School Board Association. (Kelly, William) (Entered: 04/07/2017)
04/07/2017	<u>6</u>	SUMMONS Submitted by Dine Bi' Olta School Board Association. (Kelly, William) (Entered: 04/07/2017)
04/07/2017	<u>7</u>	SUMMONS Submitted by Dine Bi' Olta School Board Association. (Kelly, William) (Entered: 04/07/2017)

04/07/2017	<u>8</u>	SUMMONS Submitted by Dine Bi' Olta School Board Association. (Kelly, William) (Entered: 04/07/2017)
04/07/2017	<u>9</u>	SUMMONS Submitted by Dine Bi' Olta School Board Association. (Kelly, William) (Entered: 04/07/2017)
04/10/2017	<u>10</u>	Summons Issued as to Emily K Arviso, Bureau of Indian Education, Tony L Dearman, United States Department of Interior, U.S. Attorney and U.S. Attorney General, Summons Issued as to Emily K Arviso, Bureau of Indian Education, Tony L Dearman, United States Department of Interior. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons)(BAS). *** IMPORTANT: When printing the summons, select "Document and stamps" or "Document and comments" for the seal to appear on the document. (Entered: 04/10/2017)
04/10/2017	<u>11</u>	NOTICE re: of Service by Dine Bi' Olta School Board Association re: <u>3</u> Order re Rule 12(b) Motions . (Attachments: # <u>1</u> Exhibit Order)(Kelly, William) (Entered: 04/10/2017)
05/12/2017	<u>12</u>	STIPULATION FOR EXTENSION OF TIME TO ANSWER COMPLAINT by Emily K Arviso, Bureau of Indian Education, Tony L Dearman, United States Department of Interior. (Attachments: # <u>1</u> Text of Proposed Order)(Harwood, Ann) (Entered: 05/12/2017)
05/15/2017	<u>13</u>	ORDER OF RECUSAL. That this matter has been reassigned by the Clerk of Court, by random lot, to the Honorable Deborah M. Fine, United States Magistrate Judge. All future pleadings and papers submitted for filing shall bear the following complete case number: CV-17-08066-PCT-DMF. Signed by Judge Diane J Humetewa on 5/15/17. (Attachments: # <u>1</u> Instructions, # <u>2</u> Consent Form)(MAP) (Entered: 05/15/2017)
05/15/2017		Magistrate Election Form Deadline. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 05/15/2017)
05/15/2017	<u>14</u>	ORDER granting <u>12</u> Stipulation For Extension of Time To Answer Complaint: Emily K Arviso answer due 7/14/2017; Bureau of Indian Education answer due 7/14/2017; Tony L Dearman answer due 7/14/2017; United States Department of Interior answer due 7/14/2017. Signed by Magistrate Judge Deborah M Fine on 5/15/17. (LAD) (Entered: 05/15/2017)
05/16/2017	<u>15</u>	Party Elects Assignment of Case to District Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 05/17/2017)
05/17/2017	<u>16</u>	MINUTE ORDER: Pursuant to Local Rule 3.7(b), a request has been received for a random reassignment of this case to a District Judge. FURTHER ORDERED Case reassigned by random draw to Judge Steven P. Logan. All further pleadings/papers should now list the following COMPLETE case number: CV-17-8066-PCT-SPL. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 05/17/2017)
05/18/2017	<u>17</u>	SCHEDULING ORDER (See Order for details). Signed by Judge Steven P. Logan on 5/18/17. (CLB) (Entered: 05/18/2017)
05/23/2017	<u>18</u>	Party Elects Assignment of Case to District Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 05/23/2017)
06/19/2017	<u>19</u>	* SERVICE EXECUTED Notice of Service of Complaint by Dine Bi' Olta School Board Association re: <u>10</u> Summons Issued as to USA – Emily K Arviso "Available for Pickup" on 4/12/17; US Department of Interior on 4/14/17; Tony L Dearman on 4/14/17; Bureau of Indian Education on 4/14/17; US Attorney, Civil Process Clerk, on 4/14/17; US Attorney General Jeff Sessions on 4/17/17 . (Attachments: # <u>1</u> Exhibit Declaration)(Kelly, William) * Modified to correct event and add text regarding who was served and when on 6/20/2017 (LAD). (Entered: 06/19/2017)
07/12/2017	<u>20</u>	STIPULATION FOR EXTENSION OF TIME TO ANSWER COMPLAINT (<i>Second Request</i>) by Emily K Arviso, Bureau of Indian Education, Tony L Dearman, United States Department of Interior. (Attachments: # <u>1</u> Text of Proposed Order)(Harwood, Ann) (Entered: 07/12/2017)

07/12/2017	<u>21</u>	ORDER granting the parties' <u>20</u> Stipulation For Extension of Time To Answer Complaint. Defendants shall have until August 14, 2017 to file an answer to the Complaint.. Signed by Judge Steven P. Logan on 7/12/17. (CLB) (Entered: 07/12/2017)
08/14/2017	<u>22</u>	ANSWER to <u>1</u> Complaint by Emily K Arviso, Bureau of Indian Education, Tony L Dearman, United States Department of Interior.(Harwood, Ann) (Entered: 08/14/2017)
09/29/2017	<u>23</u>	*STATUS REPORT <i>JOINT</i> by United States Department of Interior., Bureau of Indian Education, Tony L Dearman, Emily K Arviso (Harwood, Ann) *Modified to add additional filers on 10/2/2017 (REK). (Entered: 09/29/2017)
10/05/2017	<u>24</u>	ORDER granting <u>23</u> the Stipulation. The Dispositive Motion deadline shall be extended to May 15, 2018. Signed by Judge Steven P. Logan on 10/5/17. (CLB) (Entered: 10/05/2017)
12/21/2017	<u>25</u>	NOTICE OF ATTORNEY SUBSTITUTION: Paul A. Bullis appearing for Emily K Arviso, Bureau of Indian Education, Tony L Dearman, United States Department of Interior. Attorney Ann Elizabeth Harwood terminated. . (Bullis, Paul) (Entered: 12/21/2017)
04/19/2018	<u>26</u>	NOTICE OF ATTORNEY'S CHANGE OF ADDRESS/FIRM NAME by William Gregory Kelly. (Kelly, William) (Entered: 04/19/2018)
05/07/2018	<u>27</u>	First MOTION for Extension of Time To File Dispositive Motion (Unopposed) by Dine Bi' Olta School Board Association. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Text of Proposed Order)(Kelly, William) (Entered: 05/07/2018)
05/09/2018	<u>28</u>	ORDER granting in part <u>27</u> Motion for Extension of Time. Dispositive motions deadline extended to 6/7/2018. Signed by Judge Steven P Logan on 5/9/18. (CLB) (Entered: 05/09/2018)
05/22/2018	<u>29</u>	NOTICE of Appearance by Paul Edward Frye on behalf of Dine Bi' Olta School Board Association. (Frye, Paul) (Entered: 05/22/2018)
06/05/2018	<u>30</u>	Joint MOTION for Extension of Time To File Dispositive Motion by Dine Bi' Olta School Board Association. (Attachments: # <u>1</u> Text of Proposed Order)(Kelly, William) (Entered: 06/05/2018)
06/07/2018	<u>31</u>	ORDER granting <u>30</u> Motion for Extension of Time Dispositive motions due by 9/5/2018. Signed by Judge Steven P Logan on 6/6/18. (CLB) (Entered: 06/07/2018)
08/31/2018	<u>32</u>	Joint MOTION for Extension of Time for Parties to File Dispositive Motions (<i>Third Request</i>) by Emily K Arviso, Bureau of Indian Education, Tony L Dearman, United States Department of Interior. (Attachments: # <u>1</u> Text of Proposed Order)(Bullis, Paul) (Entered: 08/31/2018)
09/05/2018	<u>33</u>	ORDER granting the parties' Stipulation to Extend <u>32</u> Dispositive motion deadline extended to 1/15/2019. See order for additional details. Signed by Judge Steven P Logan on 9/5/2018. (LMR) (Entered: 09/05/2018)
10/31/2018	34	MINUTE ORDER: This case is reassigned to Judge Dominic W. Lanza. All future filings shall reflect the following case number: CV-17-8066-PCT-DWL. All pending hearings and deadlines are AFFIRMED unless reset by separate order. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SJF) (Entered: 10/31/2018)
11/08/2018	35	MINUTE ORDER: Judge Lanza needing to recuse, this matter is reassigned back to Judge Steven P. Logan. All future filings shall reflect the following case number: CV-17-8066-PCT-SPL. All deadlines and hearings are AFFIRMED. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 11/08/2018)
12/26/2018	<u>36</u>	MOTION to Stay <i>Due to Federal Government Shutdown</i> by Emily K Arviso, Bureau of Indian Education, Tony L Dearman, United States Department of Interior. (Attachments: # <u>1</u> Text of Proposed Order)(Bullis, Paul) (Entered: 12/26/2018)
12/26/2018	<u>37</u>	RESPONSE to Motion re: <u>36</u> MOTION to Stay <i>Due to Federal Government Shutdown</i> filed by Dine Bi' Olta School Board Association. (Attachments: # <u>1</u> Text of Proposed

		Order)(Kelly, William) (Entered: 12/26/2018)
01/08/2019	<u>38</u>	ORDER – IT IS ORDERED that the Defendants' Motion (Doc. <u>36</u>) is granted. Litigation of this matter shall be stayed until funding to the Department of Justice is restored. IT IS FURTHER ORDERED that counsel for the Defendants shall file a Notice of Resumed Government Activity within five (5) days of the restoration of funding. IT IS FURTHER ORDERED that, if applicable, the parties shall submit a joint proposed schedule for the remainder of litigation within fifteen (15) days of refunding and counsel's return to work. Signed by Judge Steven P Logan on 1/8/19. (LAD) (Entered: 01/08/2019)
01/31/2019	<u>39</u>	NOTICE re: of Resumed Government Activity by Emily K Arviso, Bureau of Indian Education, Tony L Dearman, United States Department of Interior re: <u>38</u> Order on Motion to Stay . (Bullis, Paul) (Entered: 01/31/2019)
02/12/2019	<u>40</u>	NOTICE re: Joint Proposed Schedule by Emily K Arviso, Bureau of Indian Education, Tony L Dearman, United States Department of Interior re: <u>38</u> Order on Motion to Stay . (Attachments: # <u>1</u> Text of Proposed Order)(Bullis, Paul) (Entered: 02/12/2019)